

IN THE DISTRICT COURT IN AND FOR OKMULGEE COUNTY  
STATE OF OKLAHOMA

JIMMY WAYNE RILEY, )  
)  
Plaintiff, )  
)  
vs. )  
)  
THE OKMULGEE COUNTY CRIMINAL )  
JUSTICE AUTHORITY, a public trust. )  
)  
Defendant. )

Case No. **CJ-2021-54**

**FILED**  
IN DISTRICT COURT  
MAR 30 2021

**PETITION**

OKMULGEE COUNTY, OKLAHOMA  
CHARLY CRINER, Court Clerk  
By \_\_\_\_\_ Deputy

COMES NOW, the Plaintiff, JIMMY WAYNE RILEY, and for his cause of action against the Defendant, THE OKMULGEE COUNTY CRIMINAL JUSTICE AUTHORITY, alleges and states as follows:

**I. JURISDICTIONAL ALLEGATIONS**

1. That Plaintiff, JIMMY WAYNE RILEY, is a citizen and resident of Okfuskee County, State of Oklahoma.
2. That Defendant, THE OKMULGEE COUNTY CRIMINAL JUSTICE AUTHORITY, is a public trust, situated in Okmulgee County, State of Oklahoma.
3. That the transaction complained of herein occurred in Okmulgee County, State of Oklahoma. Thus, this Court has jurisdiction over the subject matter and parties hereto.
4. That the Plaintiff has complied with the notice provisions of the Oklahoma Governmental Tort Claims Act, 51 O.S. § 151 et seq.

**II. GENERAL FACTUAL ALLEGATIONS**

5. That on or about the 2<sup>nd</sup> day of July 2020, Plaintiff was in the care, custody, and control of The Okmulgee County Criminal Justice Authority.

6. That on or about the 2<sup>nd</sup> day of July 2020, Plaintiff was physically assaulted by inmates within The Okmulgee County Criminal Justice Authority resulting in severe injuries.

7. That Plaintiff notified employees of The Okmulgee County Criminal Justice Authority that he sustained injuries and requested medical treatment.

8. That the Okmulgee County Criminal Justice Authority failed to provide Plaintiff with proper medical attention for his severe injuries suffered in the custody of The Okmulgee County Criminal Justice Authority, despite Plaintiff's multiple requests for treatment.

9. That after Plaintiff's release from The Okmulgee County Criminal Justice Authority, Plaintiff sought medical assessment and treatment and was diagnosed with a broken jaw.

10. That Plaintiff has sustained significant injury as a result of The Okmulgee County Criminal Justice Authority's failure to provide him with adequate medical treatment.

11. That Plaintiff has suffered immense pain and suffering due to the amount of time that passed between when his jaw was fractured in the custody of The Okmulgee County Criminal Justice Authority, and the time he received medical treatment for the same.

12. That Plaintiff has suffered permanent disfigurement as a direct result of The Okmulgee County Criminal Justice Authority's negligence.

### **III. AGENCY**

13. That the allegations contained in paragraph nos. 1 through 12 are re-stated and incorporated as if fully set forth herein.

14. That at all times pertinent hereto, all person(s) responsible for the care, custody, and control of Plaintiff were employees of the The Okmulgee County Criminal Justice Authority.

15. That at all times pertinent hereto, all people in care, custody, and control of Plaintiff, were acting in the course and scope of their employment with The Okmulgee County Criminal Justice Authority.

16. That pursuant to the legal doctrine of vicarious liability, also known as *respondeat superior*, the actions of any employee in the direct care, custody, and control of Plaintiff in the course and scope of their employment are the actions and the responsibility of The Okmulgee County Criminal Justice Authority.

#### **IV. FIRST CAUSE OF ACTION-NEGLIGENCE**

17. That the allegations contained in paragraph nos. 1 through 16 are re-stated and incorporated as if fully set forth herein.

18. That on the above referenced date, employees of The Okmulgee County Criminal Justice Authority negligently and wrongfully refused to provide medical treatment to Plaintiff for injuries he sustained while in their care, custody, and control.

19. That as a result of the Defendant's negligence, Plaintiff suffered bodily injury, pain and suffering, and mental and emotional distress and has been damaged in an amount in excess of \$75,000.00.

#### **V. SECOND CAUSE OF ACTION- VIOLATION OF CIVIL RIGHTS**

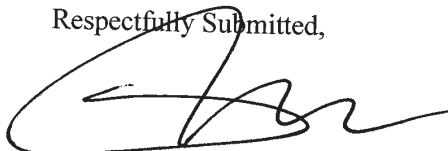
23. That the allegations contained in paragraph nos. 1 through 19 are re-stated and incorporated as if fully set forth herein.

24. That on the above referenced date, employees of The Okmulgee County Criminal Justice Authority, violated Plaintiff's civil rights by failing to obtain reasonable medical care for Plaintiff's severe injuries sustained while in the care, custody, and control of Defendant in direct violation of the United States Constitution, The Constitution of the State of Oklahoma, and 42

U.S.C., Section 1983, causing him to suffer bodily injuries, medical expenses, pain and suffering and mental and emotional distress and damages in an amount excess of \$75,000.00.

WHEREFORE, Plaintiff prays this Court for judgment against Defendant in an amount in excess of \$75,000.00, and all other further relief this Court deems just and proper.

Respectfully Submitted,



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**ATTORNEY FOR PLAINTIFF**

**"JURY TRIAL DEMANDED"**  
**"ATTORNEY'S LIEN CLAIMED"**